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HOUSE BILL 25-1248

BY REPRESENTATIVE(S) Stewart K. and Zokaie, Boesenecker, Froelich, Hamrick, Lindsay, Lindstedt, Lukens, Phillips, McCluskie, Duran; also SENATOR(S) Kipp and Michaelson Jenet, Amabile, Cutter, Winter F., Coleman.

CONCERNING THE ADMINISTRATION OF DISCIPLINARY MEASURES IN PUBLIC SCHOOLS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** article 15.5 to title 22 as follows:

ARTICLE 15.5

Protection of Students from Restraint and Seclusion Act

22-15.5-101. Short title. THE SHORT TITLE OF THIS ARTICLE 15.5 IS THE "PROTECTION OF STUDENTS FROM RESTRAINT AND SECLUSION ACT".

22-15.5-102. Definitions. AS USED IN THIS ARTICLE 15.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(1) "CHEMICAL RESTRAINT" MEANS INVOLUNTARY ADMINISTRATION OF MEDICATION TO A STUDENT FOR THE PURPOSE OF RESTRAINING THE STUDENT; EXCEPT THAT "CHEMICAL RESTRAINT" DOES NOT INCLUDE ADMINISTERING PRESCRIPTION MEDICATION THAT IS REGULARLY ADMINISTERED TO THE STUDENT FOR MEDICAL TREATMENT OTHER THAN TO RESTRAIN THE STUDENT'S FREEDOM OF MOVEMENT, INCLUDING ASTHMA CORTICOSTEROID, MOOD DISORDER MEDICATION, INSULIN, OR GLUCAGON, OR ADMINISTERING MEDICATION FOR VOLUNTARY OR LIFE-SAVING MEDICAL PROCEDURES, INCLUDING EPINEPHRINE OR DIAZEPAM.

(2) "EMERGENCY" MEANS A SERIOUS, PROBABLE, IMMINENT THREAT OF BODILY HARM TO SELF OR OTHERS WHEN THERE IS THE PRESENT ABILITY TO EFFECT SUCH BODILY HARM.

(3) "IEP TEAM" HAS THE SAME MEANING AS DESCRIBED IN SECTION 22-20-108.

(4) "INDIVIDUALIZED EDUCATION PROGRAM" OR "IEP" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-20-103.

(5) "LOCAL EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT, A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22, A CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATING PURSUANT TO ARTICLE 5 OF THIS TITLE 22 THAT OPERATES ONE OR MORE PUBLIC SCHOOLS.

(6) "MECHANICAL RESTRAINT" MEANS A PHYSICAL DEVICE USED TO RESTRICT A STUDENT'S VOLUNTARY FREEDOM OF MOVEMENT OR THE MOVEMENT OR NORMAL FUNCTION OF A PORTION OF THEIR BODY. "MECHANICAL RESTRAINT" DOES NOT INCLUDE:

(a) A DEVICE THAT IS RECOMMENDED FOR THE STUDENT BY A PHYSICIAN, OCCUPATIONAL THERAPIST, OR PHYSICAL THERAPIST; IS AGREED TO FOR USE BY THE STUDENT, BY THE STUDENT'S IEP TEAM, OR BY THE STUDENT'S SECTION 504 TEAM; AND IS USED IN ACCORDANCE WITH THE STUDENT'S IEP OR SECTION 504 PLAN;

(b) A PROTECTIVE DEVICE THAT IS USED TO PREVENT A STUDENT

FROM SELF-HARM, IS AGREED TO FOR USE BY THE STUDENT BY THE STUDENT'S IEP TEAM OR SECTION 504 TEAM, AND IS USED IN ACCORDANCE WITH THE STUDENT'S IEP OR SECTION 504 PLAN. THE PROTECTIVE DEVICE MAY INCLUDE A HELMET OR MITTS.

(c) AN ADAPTIVE DEVICE THAT IS USED TO FACILITATE INSTRUCTION OR THERAPY FOR THE STUDENT THAT IS RECOMMENDED FOR THE STUDENT BY A PHYSICIAN, OCCUPATIONAL THERAPIST, OR PHYSICAL THERAPIST; IS AGREED TO FOR USE BY THE STUDENT BY THE STUDENT'S IEP TEAM OR SECTION 504 TEAM; AND IS USED IN ACCORDANCE WITH THE STUDENT'S IEP OR SECTION 504 PLAN; OR

(d) A POSITIONING OR SECURING DEVICE THAT IS USED TO FACILITATE THE STUDENT'S MEDICAL TREATMENT THAT IS RECOMMENDED FOR THE STUDENT BY A PHYSICIAN, OCCUPATIONAL THERAPIST, OR PHYSICAL THERAPIST; IS AGREED TO FOR USE BY THE STUDENT BY THE STUDENT'S IEP TEAM OR SECTION 504 TEAM; AND IS USED IN ACCORDANCE WITH THE STUDENT'S IEP OR SECTION 504 PLAN.

(7) "PHYSICAL RESTRAINT" MEANS THE USE OF BODILY, PHYSICAL FORCE TO LIMIT A STUDENT'S VOLUNTARY FREEDOM OF MOVEMENT FOR MORE THAN ONE MINUTE; EXCEPT THAT "PHYSICAL RESTRAINT" DOES NOT INCLUDE:

(a) A PHYSICAL INTERVENTION ADMINISTERED ON A STUDENT THAT LASTS ONE MINUTE OR LESS FOR THE PROTECTION OF A STUDENT, OTHERS, OR PROPERTY;

(b) THE HOLDING OF A STUDENT BY AN ADULT FOR THE PURPOSE OF CALMING OR COMFORTING THE STUDENT;

(c) MINIMAL PHYSICAL CONTACT FOR THE PURPOSE OF SAFELY ESCORTING A STUDENT FROM ONE PLACE TO ANOTHER; OR

(d) MINIMAL PHYSICAL CONTACT FOR THE PURPOSE OF ASSISTING A STUDENT WITH A TASK OR RESPONSE.

(8) "PRONE RESTRAINT" MEANS A RESTRAINT IN WHICH THE STUDENT WHO IS BEING RESTRAINED IS SECURED IN A FACE-DOWN POSITION.

(9) "RESTRAINT" MEANS A METHOD OR DEVICE THAT IS USED TO LIMIT A STUDENT'S VOLUNTARY FREEDOM OF MOVEMENT. "RESTRAINT" INCLUDES SECLUSION, CHEMICAL RESTRAINT, MECHANICAL RESTRAINT, AND PHYSICAL RESTRAINT.

(10) (a) "SECLUSION" MEANS THE PLACEMENT OF AN INDIVIDUAL ALONE IN A ROOM OR AREA FROM WHICH EGRESS IS PREVENTED. "SECLUSION" IS A FORM OF RESTRAINT.

(b) "SECLUSION" DOES NOT INCLUDE A TIME-OUT, WHICH IS THE REMOVAL OF A STUDENT FROM A POTENTIALLY REWARDING SITUATION, OR FROM A SITUATION THAT WOULD OTHERWISE PRODUCE NEGATIVE REINFORCEMENT. A TIME-OUT DOES NOT PREVENT A STUDENT'S EGRESS.

(11) "SECTION 504 PLAN" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-20-123 (2).

(12) "SECTION 504 TEAM" HAS THE SAME MEANING AS SET FORTH IN SECTION 22-20-123 (2).

22-15.5-103. Prohibit restraint - exceptions. (1) EXCEPT AS PROVIDED PURSUANT TO THIS ARTICLE 15.5, THE USE OF A RESTRAINT ON A STUDENT OF A LOCAL EDUCATION PROVIDER IS PROHIBITED WHEN THE STUDENT IS ON THE PROPERTY OF THE LOCAL EDUCATION PROVIDER OR IS PARTICIPATING IN AN OFF-CAMPUS ACTIVITY OR EVENT SPONSORED BY THE LOCAL EDUCATION PROVIDER.

(2) THE PROHIBITION DESCRIBED IN SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO:

(a) THE USE OF MECHANICAL, PHYSICAL, OR PRONE RESTRAINTS ON A STUDENT ENROLLED IN A LOCAL EDUCATION PROVIDER WHO OPENLY DISPLAYS A DEADLY WEAPON, AS DEFINED IN SECTION 18-1-901;

(b) THE USE OF MECHANICAL OR PRONE RESTRAINTS BY AN ARMED SECURITY OFFICER OR A CERTIFIED PEACE OFFICER WORKING IN A LOCAL EDUCATION PROVIDER'S FACILITIES WHEN THE OFFICER:

(I) HAS RECEIVED DOCUMENTED TRAINING IN DEFENSIVE TACTICS UTILIZING HANDCUFFING PROCEDURES;

(II) HAS RECEIVED DOCUMENTED TRAINING IN RESTRAINT TACTICS UTILIZING PRONE RESTRAINT; AND

(III) HAS MADE A REFERRAL TO A LAW ENFORCEMENT AGENCY AND IS MAKING AN ARREST;

(c) THE USE OF MECHANICAL, PHYSICAL, OR PRONE RESTRAINTS BY A SCHOOL RESOURCE OFFICER OR A LAW ENFORCEMENT OFFICER ACTING IN THE OFFICER'S OFFICIAL CAPACITY ON THE LOCAL EDUCATION PROVIDER'S PROPERTY, IN A LOCAL EDUCATION PROVIDER'S VEHICLE, OR AT AN ACTIVITY OR EVENT SPONSORED BY THE LOCAL EDUCATION PROVIDER IF THERE IS A DANGER TO THE STUDENT OR OTHERS OR DURING A CUSTODIAL ARREST THAT REQUIRES TRANSPORT; AND

(d) (I) THE USE OF A PHYSICAL RESTRAINT OR SECLUSION IN AN EMERGENCY AFTER THE FAILURE OF LESS RESTRICTIVE ALTERNATIVES; OR

(II) THE USE OF A PHYSICAL RESTRAINT OR SECLUSION IN AN EMERGENCY AFTER A DETERMINATION THAT LESS RESTRICTIVE ALTERNATIVES WOULD BE INAPPROPRIATE OR INEFFECTIVE DURING THE EMERGENCY.

(3) IF A LOCAL EDUCATION PROVIDER USES A ROOM FOR SECLUSION AS A TYPE OF RESTRAINT, THERE MUST BE AT LEAST ONE WINDOW TO MONITOR THE STUDENT WHEN THE DOOR IS CLOSED. IF A WINDOW IS NOT FEASIBLE, MONITORING MUST BE WITH A VIDEO CAMERA. A STUDENT PLACED IN SECLUSION MUST BE CONTINUALLY MONITORED. THE ROOM MUST BE A SAFE SPACE FREE OF INJURIOUS ITEMS. THE ROOM USED FOR SECLUSION MUST NOT BE A ROOM THAT IS USED BY SCHOOL STAFF FOR STORAGE, CUSTODIAL PURPOSES, OR OFFICE SPACE.

(4) (a) A LOCAL EDUCATION PROVIDER THAT, OR LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT WHO, USES RESTRAINT SHALL USE THE RESTRAINT:

(I) ONLY FOR THE PURPOSE OF PREVENTING THE CONTINUATION OR RENEWAL OF THE APPROPRIATE CIRCUMSTANCES DESCRIBED IN SUBSECTION (2) OF THIS SECTION FOR THE INCIDENT;

(II) ONLY FOR THE PERIOD OF TIME NECESSARY TO ACCOMPLISH ITS

PURPOSE; AND

(III) IN THE CASE OF PHYSICAL RESTRAINT, ONLY IF NO MORE FORCE THAN IS NECESSARY TO LIMIT THE INDIVIDUAL'S FREEDOM OF MOVEMENT IS USED.

(b) IF PROPERTY DAMAGE MAY BE INVOLVED, RESTRAINT MAY ONLY BE USED WHEN THE DESTRUCTION OF PROPERTY WOULD RESULT IN A SERIOUS, PROBABLE, IMMINENT THREAT OF BODILY HARM TO SELF OR OTHERS AND WHEN THERE IS THE PRESENT ABILITY TO EFFECT SUCH BODILY HARM.

(5) A LOCAL EDUCATION PROVIDER, OR LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT, SHALL NOT USE A RESTRAINT AS A:

(a) FORM OF PUNISHMENT OR DISCIPLINARY SANCTION;

(b) PART OF A TREATMENT PLAN OR BEHAVIOR MODIFICATION PLAN;
OR

(c) FORM OF RETALIATION.

22-15.5-104. General duties relating to use of restraint. (1) A LOCAL EDUCATION PROVIDER THAT, OR A LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT WHO, USES A RESTRAINT SHALL ENSURE THAT:

(a) A PHYSICAL RESTRAINT OF A STUDENT DOES NOT PLACE EXCESS PRESSURE ON THE CHEST OR BACK OF THE STUDENT OR INHIBIT OR IMPEDE THE STUDENT'S ABILITY TO BREATHE; AND

(b) DURING THE PHYSICAL RESTRAINT OF A STUDENT, THE STUDENT'S BREATHING IS NOT COMPROMISED.

(2) A LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT SHALL PROVIDE THE STUDENT RELIEF PERIODS FROM SECLUSION FOR REASONABLE ACCESS TO TOILET FACILITIES.

(3) A LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT SHALL RELEASE THE STUDENT IN PHYSICAL RESTRAINT WITHIN FIFTEEN MINUTES AFTER THE INITIATION OF THE PHYSICAL RESTRAINT, EXCEPT WHEN IT WOULD

BE UNSAFE TO DO SO.

22-15.5-105. Training concerning the use of restraint. (1) A LOCAL EDUCATION PROVIDER THAT USES RESTRAINT SHALL ENSURE THAT EMPLOYEES AND AGENTS WHO ARE INVOLVED IN USING RESTRAINT IN ITS FACILITIES OR PROGRAMS ARE TRAINED IN THE APPROPRIATE USE OF RESTRAINT.

(2) A LOCAL EDUCATION PROVIDER THAT USES RESTRAINT SHALL ENSURE THAT ALL EMPLOYEES AND AGENTS WHO ARE INVOLVED IN USING RESTRAINT IN ITS FACILITIES OR PROGRAMS ARE TRAINED TO EXPLAIN THE USE OF RESTRAINT TO THE STUDENT WHO IS TO BE RESTRAINED AND TO THE STUDENT'S FAMILY.

22-15.5-106. Documentation requirements for restraint. (1) A LOCAL EDUCATION PROVIDER SHALL REQUIRE ITS EMPLOYEE OR AGENT WHO USES A RESTRAINT ON A STUDENT TO SUBMIT A WRITTEN REPORT OF THE INCIDENT TO THE LOCAL EDUCATION PROVIDER NO LATER THAN ONE SCHOOL DAY AFTER THE INCIDENT OCCURRED.

(2) NO LATER THAN JULY 1, 2025, EACH LOCAL EDUCATION PROVIDER SHALL ESTABLISH A REVIEW PROCESS, AT LEAST ANNUALLY, AND DOCUMENT THE RESULTS OF EACH REVIEW PROCESS IN WRITING. THE PURPOSE OF EACH ANNUAL REVIEW PROCESS IS TO ENSURE THAT THE LOCAL EDUCATION PROVIDER IS PROPERLY ADMINISTERING RESTRAINT, MINIMIZING AND PREVENTING THE USE OF RESTRAINT BY INCREASING THE USE OF POSITIVE BEHAVIOR INTERVENTIONS, AND REDUCING THE INCIDENCE OF INJURY TO STUDENTS, EMPLOYEES, AND AGENTS. EACH ANNUAL REVIEW PROCESS MUST INCLUDE, BUT IS NOT LIMITED TO:

(a) ANALYSIS OF INCIDENT REPORTS, INCLUDING CONSIDERATION OF PROCEDURES USED DURING THE RESTRAINT, PREVENTIVE OR ALTERNATIVE TECHNIQUES ATTEMPTED, DOCUMENTATION, AND FOLLOW-UP;

(b) TRAINING NEEDS OF STAFF;

(c) STAFF-TO-STUDENT RATIOS;

(d) ENVIRONMENTAL CONSIDERATIONS, INCLUDING PHYSICAL SPACE, STUDENT SEATING ARRANGEMENTS, AND NOISE LEVELS.

(3) IF A PHYSICAL RESTRAINT IS USED FOR MORE THAN ONE MINUTE BUT LESS THAN FIVE MINUTES, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE WRITTEN NOTICE ON THE DAY OF THE RESTRAINT TO THE PARENT OR LEGAL GUARDIAN OF THE STUDENT. THE WRITTEN NOTICE MUST INCLUDE THE DATE, THE NAME OF THE STUDENT, AND THE NUMBER OF RESTRAINTS USED THAT DAY THAT LASTED BETWEEN ONE AND FIVE MINUTES.

(4) IF A PHYSICAL RESTRAINT IS USED FOR FIVE MINUTES OR MORE, OR IF THE STUDENT IS PLACED IN SECLUSION FOR ANY LENGTH OF TIME, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE VERBAL NOTICE ON THE DAY OF THE PHYSICAL RESTRAINT OR SECLUSION TO THE PARENT OR LEGAL GUARDIAN OF THE STUDENT AND SHALL MAIL OR EMAIL A WRITTEN REPORT OF THE INCIDENT TO THE PARENT OR LEGAL GUARDIAN OF THE STUDENT NOT MORE THAN FIVE CALENDAR DAYS AFTER THE USE OF THE RESTRAINT ON THE STUDENT. THE WRITTEN REPORT MUST BE PLACED IN THE STUDENT'S CONFIDENTIAL FILE AND INCLUDE:

- (a) THE ANTECEDENT OF THE STUDENT'S BEHAVIOR, IF KNOWN;
- (b) A DESCRIPTION OF THE INCIDENT;
- (c) ANY EFFORTS MADE TO DE-ESCALATE THE SITUATION;
- (d) ANY ALTERNATIVES TO THE USE OF RESTRAINTS THAT WERE ATTEMPTED;
- (e) THE TYPE AND DURATION OF THE RESTRAINT USED;
- (f) ANY INJURIES THAT OCCURRED;
- (g) THE NAMES OF THE LOCAL EDUCATION PROVIDER'S EMPLOYEES OR AGENTS WHO WERE PRESENT AND EMPLOYEES AND AGENTS WHO WERE INVOLVED IN ADMINISTERING THE RESTRAINT;
- (h) THE START AND END TIME OF THE PHYSICAL RESTRAINT OR SECLUSION;
- (i) DETAILS CONCERNING THE NOTIFICATION PROVIDED TO THE PARENT OR LEGAL GUARDIAN; AND

(j) FOR SECLUSION, DETAILS CONCERNING WHETHER THE DOOR WAS OPENED OR CLOSED.

(5) NO LATER THAN JUNE 30, 2026, AND NO LATER THAN EVERY JUNE 30 THEREAFTER, EACH LOCAL EDUCATION PROVIDER SHALL SUBMIT IN A REPORT TO THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-1-138, THE INFORMATION FROM THE ANNUAL REVIEW CONDUCTED PURSUANT TO SUBSECTION (2) OF THIS SECTION AND THE FOLLOWING DATA:

(a) THE TOTAL NUMBER OF PHYSICAL RESTRAINTS LASTING MORE THAN ONE MINUTE BUT LESS THAN FIVE MINUTES;

(b) THE TOTAL NUMBER OF PHYSICAL RESTRAINTS LASTING FIVE OR MORE MINUTES;

(c) THE TOTAL NUMBER OF SECLUSIONS;

(d) THE TOTAL NUMBER OF STUDENTS WHO EXPERIENCED AT LEAST ONE PHYSICAL RESTRAINT LASTING MORE THAN ONE MINUTE BUT LESS THAN FIVE MINUTES;

(e) THE TOTAL NUMBER OF STUDENTS WHO EXPERIENCED AT LEAST ONE PHYSICAL RESTRAINT LASTING FIVE MINUTES OR MORE; AND

(f) THE TOTAL NUMBER OF STUDENTS WHO EXPERIENCED AT LEAST ONE SECLUSION.

(6) IF THERE IS A REASONABLE PROBABILITY THAT A PHYSICAL RESTRAINT OR SECLUSION MAY BE USED ON A SPECIFIC STUDENT, THE LOCAL EDUCATION PROVIDER SHALL PROVIDE WRITTEN NOTICE TO THE PARENT OR LEGAL GUARDIAN OF THE STUDENT, AND TO THE STUDENT, IF APPROPRIATE, REGARDING PHYSICAL RESTRAINT OR SECLUSION PROCEDURES THAT MAY BE USED, THE CIRCUMSTANCES IN WHICH PHYSICAL RESTRAINT OR SECLUSION MAY BE USED, AND THE LOCAL EDUCATION PROVIDER'S EMPLOYEES OR AGENTS WHO MAY BE INVOLVED. THE LOCAL EDUCATION PROVIDER SHALL MEET WITH A PARENT OR LEGAL GUARDIAN WHO RECEIVED A WRITTEN NOTICE PURSUANT TO THIS SUBSECTION (6) AND REQUESTS A MEETING TO DISCUSS THE WRITTEN NOTICE.

(7) THE DEPARTMENT OF EDUCATION SHALL MAKE TRAINING

AVAILABLE TO LOCAL EDUCATION PROVIDERS AND LOCAL EDUCATION PROVIDERS' EMPLOYEES AND AGENTS ON THE REQUIREMENTS OF THIS ARTICLE 15.5 AND ON THE STATE BOARD OF EDUCATION'S CORRESPONDING RULES FOR ADMINISTRATION.

(8) THE DEPARTMENT OF EDUCATION HAS ENFORCEMENT AUTHORITY OVER RESTRAINT INVESTIGATION DECISIONS. THIS ENFORCEMENT AUTHORITY MUST FOLLOW THE SAME PROCEDURES OUTLINED FOR STATE COMPLAINTS UNDER THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AND THE DEPARTMENT'S STATE-LEVEL COMPLAINT PROCEDURES.

22-15.5-107. Rules. (1) NO LATER THAN JANUARY 1, 2026, THE STATE BOARD OF EDUCATION SHALL ADOPT, AMEND, OR REPEAL RULES AS NECESSARY TO REFLECT THIS ARTICLE 15.5.

(2) THE STATE BOARD OF EDUCATION SHALL ADOPT RULES ESTABLISHING A PROCESS BY WHICH A STUDENT, A STUDENT'S PARENT OR LEGAL GUARDIAN, OR A THIRD PARTY ON BEHALF OF A STUDENT OR STUDENT'S PARENT OR LEGAL GUARDIAN MAY FORMALLY COMPLAIN ABOUT THE USE OF RESTRAINT BY A LOCAL EDUCATION PROVIDER'S EMPLOYEE OR AGENT. TO THE EXTENT PRACTICABLE, THE RULES MUST DETAIL THE PROCESS FOR FILING A STATE COMPLAINT UNDER THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ.

(3) THE STATE BOARD OF EDUCATION MAY ADOPT RULES REGARDING THE USE OF RESTRAINT AND SECLUSION CONSISTENT WITH THE PROVISIONS OF THIS ARTICLE 15.5, INCLUDING CLARIFICATIONS CONCERNING SAFETY DESCRIBED IN SECTION 22-15.5-104.

22-15.5-108. Limitations. (1) NOTHING IN THIS ARTICLE 15.5 FORMS AN INDEPENDENT BASIS OF STATUTORY AUTHORITY FOR USING RESTRAINT.

(2) NOTHING IN THIS ARTICLE 15.5 AUTHORIZES A LOCAL EDUCATION PROVIDER TO IMPLEMENT POLICIES, PROCEDURES, OR STANDARDS, OR AUTHORIZES THE DEPARTMENT OF EDUCATION TO ADOPT RULES THAT WOULD LIMIT, DECREASE, OR ADVERSELY IMPACT ANY POLICIES, PROCEDURES, STANDARDS, RULES, OR ORDINANCES THAT PROVIDE GREATER PROTECTION CONCERNING THE USE OF RESTRAINT THAN IS DESCRIBED IN THIS

ARTICLE 15.5.

(3) THIS ARTICLE 15.5 DOES NOT PROHIBIT TRANSPORTATION PROVIDED BY THE LOCAL EDUCATION PROVIDER FROM HAVING SEAT BELTS, HARNESSES, CAR SEATS, OR OTHER DEVICES FOR PASSENGER SAFETY.

SECTION 2. In Colorado Revised Statutes, 22-1-139, **amend** (1)(b)(VII) as follows:

22-1-139. Accessible district profile reports - school climate reports and surveys - reporting - definition. (1) (b) The profile reports must include, but are not limited to:

(VII) The number of students ~~physically~~ restrained; and

SECTION 3. In Colorado Revised Statutes, 22-32-109.1, **amend** (2)(a)(I) introductory portion and (2)(a)(I)(L) as follows:

22-32-109.1. Board of education - specific powers and duties - safe school plan - conduct and discipline code - safe school reporting requirements - school response framework - school resource officers - definitions. (2) **Safe school plan.** To provide a learning environment that is safe, conducive to the learning process, and free from unnecessary disruption, each school district board of education or institute charter school board for a charter school authorized by the charter school institute shall, following consultation with the school district accountability committee and school accountability committees, parents, teachers, administrators, students, student councils where available, and, where appropriate, the community at large, adopt and implement a safe school plan, or review and revise, as necessary in response to any relevant data collected by the school district, any existing plans or policies already in effect. In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victims' advocacy organizations, school psychologists, local law enforcement, and community partners. The plan, at a minimum, must include the following:

(a) **Conduct and discipline code.** (I) A concisely written conduct and discipline code that must be enforced uniformly, fairly, and consistently for all students. Copies of the code ~~shall~~ **MUST** be provided to each student upon enrollment at the preschool, elementary, middle, and high school

levels and be posted or kept on file at each public school in the school district. The school district shall take reasonable measures to ensure that each student of each public school in the school district is familiar with the code. The code must include, but need not be limited to:

(L) Information concerning the school district's policies for the use of restraint and seclusion on students, including a reference to ~~section 26-20-111~~ THE "PROTECTION OF STUDENTS FROM RESTRAINT AND SECLUSION ACT", ARTICLE 15.5 OF THIS TITLE 22, and information concerning the process for filing a complaint regarding the use of restraint or seclusion, as such process is set forth by rule of the state board pursuant to ~~section 22-32-147~~ SECTION 22-15.5-107.

SECTION 4. In Colorado Revised Statutes, 26-20-102, **amend** (1)(a)(III), (6) introductory portion, and (6)(c); **repeal** (1)(a)(VI); and **add** (1)(b)(V) as follows:

26-20-102. Definitions. As used in this article 20, unless the context otherwise requires:

(1) (a) "Agency" means:

(III) Any public or private entity that has entered into a contract for services with an entity described in subsection (1)(a)(I) OR (1)(a)(II) ~~or (1)(a)(VI)~~ of this section;

(VI) ~~Any school district, including any school or charter school of a school district, and the state charter school institute established in section 22-30.5-503, including any institute charter school.~~

(b) "Agency" does not include:

(V) A LOCAL EDUCATION PROVIDER, AS DEFINED PURSUANT TO SECTION 22-15.5-102.

(6) "Restraint" means any method or device used to involuntarily limit freedom of movement, including bodily physical force, mechanical devices, or chemicals. Restraint must not be used as a form of discipline or to gain compliance. ~~from a student~~ If property damage might be involved, restraint may only be used when the destruction of property could possibly

result in bodily harm to the individual or another person. "Restraint" includes chemical restraint, mechanical restraint, and physical restraint. "Restraint" does not include:

(c) The holding of an individual for ~~less than one minute~~ ONE MINUTE OR LESS by a staff person for protection of the individual or other persons; ~~except that nothing in this subsection (6)(c) may be interpreted to permit the holding of a public school student in a prone position, except as described in section 26-20-111 (2), (3), or (4); or~~

SECTION 5. In Colorado Revised Statutes, **repeal** 22-30.5-528, 22-32-147, and 26-20-111.

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO